

PROPOSED AMENDMENT TO LYNN TOWNSHIP
ZONING ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF LYNN, LEHIGH COUNTY, PENNSYLVANIA AMENDING THE LYNN TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR THE CREATION OF THE ACTIVE ADULT RESIDENTIAL COMMUNITY OVERLAY DISTRICT ("AARC-OD") AND FOR A USE TO BE KNOWN AS AN ACTIVE ADULT RESIDENTIAL COMMUNITY ("AARC") ON TRACTS OF LAND UNDER COMMON OWNERSHIP AND/OR CONTROL TOTALLING NOT LESS THAN FORTY (40) ACRES PROVIDED THE ENTIRE AREA OF EACH SUCH TRACT IS LOCATED WITHIN ONE MILE OF PA. ROUTE 309, BUT EXCLUDING LANDS ZONED BLUE MOUNTAIN PRESERVATION OR AGRICULTURE PRESERVATION; TO PROVIDE FOR RESTRICTIONS ON DWELLING TYPES AND AGES OF RESIDENTS; TO PROVIDE FOR PERMITTED ACCESSORY USES IN AN AARC; TO PROVIDE THAT AN AARC MUST INCLUDE A COMMUNITY ASSOCIATION AND COMMUNITY CENTER; TO PERMIT THE COMMUNITY CENTER AND OTHER ACCESSORY USES TO BE LOCATED ON CONTIGUOUS LAND OUTSIDE OF AARC-OD; TO PROVIDE FOR DIMENSIONAL REQUIREMENTS APPLICABLE TO AN AARC, SUCH AS DENSITY, SETBACKS, IMPERVIOUS COVERAGE, BUFFER YARDS, ETC.; TO PROVIDE FOR ADDITIONAL PERFORMANCE STANDARDS FOR IMPROVEMENTS AND FACILITIES SERVING AN AARC, BOTH WITHIN AND OUTSIDE OF THE AARC-OD, INCLUDING RECREATION REQUIREMENTS, UTILITIES, ROADS, PARKING REGULATIONS, ETC.; TO PROVIDE FOR THE SEVERABILITY OF PROVISIONS OF THE ORDINANCE DECLARED TO BE INVALID; TO PROVIDE FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND TO SET THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, confers upon the Board of Supervisors of the Township the authority to amend, change, and/or modify its Zoning Ordinance within the Township; and,

WHEREAS, the Board of Supervisors of Lynn Township, is desirous of preserving the generally rural and semi-rural character of the Township, but recognizes the desirability of the Township as a place to live and the increasing pressure for growth; and,

WHEREAS, the Board of Supervisors of Lynn Township believes that focusing growth in a denser fashion close to the Township's main thoroughfare, PA Route 309, represents sound land use planning; and,

WHEREAS, the Board of Supervisors of Lynn Township seeks to encourage a more efficient use of land and public services so that economies secured may be a benefit to all; and,

WHEREAS, the Board of Supervisors of Lynn Township wishes to foster an increased sense of community by providing a setting that encourages the natural intermingling of everyday activities within a recognizable neighborhood; and,

WHEREAS, the Board of Supervisors of Lynn Township, recognizes that the general population is aging and as such, there exists a demand for living arrangements which address the physical and social needs of older persons in the community; and,

WHEREAS, the Board of Supervisors of Lynn Township is desirous of promoting communities for aging persons which are pedestrian-oriented with open space and facilities for social activity, recreation, and community functions, consistent with the physical and social needs of aging persons. Zoning for the Active Adult Residential Community recognizes that compared to housing that is not age-qualified, the average age-restricted household: (1) does not create burdens upon the public school system but does help pay for the public school system; (2) creates little demand for traditional scholastic athletic fields; (3) generates less traffic; (4) involves lower water and sewage flows, and (5) needs fewer parking spaces; and,

WHEREAS, the Board of Supervisors of Lynn Township desires to amend its Zoning Ordinance to include provisions for an AARC-OD applicable to tracts of land under common ownership and/or control when combined that are not less than forty (40) acres provided that the entire area of said tracts is located within 1 mile of Pennsylvania Route 309, specifically excluding, however, lands zoned Blue Mountain Preservation or Agriculture Preservation; and,

WHEREAS, the Board of Supervisors of Lynn Township, following a public hearing duly noticed and advertised, has determined that the health, safety and general welfare of the citizens of Lynn Township will be promoted and served by establishing an Active Adult Residential Community zoning use.

NOW, THEREFORE, be it ORDAINED and ENACTED that the Lynn Township Zoning Ordinance is hereby amended to establish an AARC Overlay District and add the AARC as a use permitted in the AARC-OD as hereinafter provided.

1. Section 310 of the Ordinance is amended to add the following new district:

Active Adult Residential Community Overlay District – AARC-OD

2. Section 900 of the Ordinance is amended to add the definition of Active Adult Residential Community Overlay District as Section 981:

An Active Adult Residential Community Overlay District is a residential development that is age qualified in accordance with Federal Fair Housing Act regulations and in accordance with the provisions of this Ordinance, and which involves a unified development operated under common rules with private internal streets, landscaped areas along public streets, and private on-site recreational facilities.

3. Section 300 of the Ordinance is amended by adding the following:

390A Active Adult Residential Community Overlay District (“AARC-OD”)

391A Intent

The purpose of this district is to provide housing and related private passive open space and recreational facilities for “older persons” as that term is defined in the Federal Fair Housing Act, as amended, and in regulations promulgated (or to be promulgated) thereunder on tracts of land that are consistent with an environment for housing and permitted amenities for “older persons.” This use recognizes that compared to housing that is not age-restricted, the majority of households of persons aged 55 and older without minor children: a) do not create burdens upon the public school system, b) create little demand for athletic fields, c) generate less traffic, d) involve lower water and sanitary sewage flows and e) need fewer parking spaces. This use recognizes the sense of community and lessened private maintenance responsibilities associated with homes being located closer together than in most other single family home developments not involving a Community owner’s association.

392A Location of District.

The AARC - OD consists of tracts of land that are at least forty (40) acres in size and which are located entirely within one (1) mile of Pennsylvania Route 309 but specifically excluding lands zoned Agriculture Preservation (AP) or Blue Mountain Preservation (BM). Multiple contiguous parcels of land under common equitable or legal ownership or control may be considered together to meet the forty (40) acre requirement when they are proposed to be developed as part of the same AARC. For purposes of the AARC – OD, land parcels under common ownership or control and located on opposite sides of a private, township or state road shall be considered contiguous. Ownership shall refer to legal and/or equitable ownership.

393A Permitted Uses

All of the permitted by right uses in the zoning district which underlies the AARC-OD shall be permitted in the AARC-OD. The AARC shall be a use permitted by right in the AARC-OD.

394A Dwelling Types

394A.1 Dwelling Types Allowed. The following dwelling types, as defined in the Ordinance, shall be allowed within an AARC-OD: dwelling, multi-family; dwelling unit – single family attached; dwelling unit – single family detached (except that mobile homes shall not be permitted); dwelling unit – single family – semi-detached. A minimum of fifty percent (50%) of the total dwelling units shall be single family detached dwelling units.

394A.2 Garages. Every dwelling unit in an AARC-OD shall have an attached garage capable of accommodating at least two (2) automobiles.

395A Age Restriction Requirements

The AARC shall be designed and operated for occupancy by persons 55 years of age or older in accordance with the following requirements:

395A.1 The AARC shall be age-qualified in accordance with the Federal Fair Housing Act. Specifically, the dwelling units within an Active Adult Residential Community shall be considered as “housing for older persons” and “intended and operated for occupancy by persons 55 years of age or older”, as those terms are defined and limited in Section 805 (d)(2)(c) of the Fair Housing Amendment Act of 1988, 42 U.S.C. Sec. 3607 (b)(2)(c), as amended, and regulations promulgated (or promulgated in the future) thereunder (the “Fair Housing Act”).

395A.2 The developer of the AARC shall publish policies and procedures for owners and residents that enable enforcement of the requirements of this Section and demonstrate the developer’s intent to provide housing for older persons.

395A.3 The age restriction requirements of this Section shall apply to each dwelling unit in an AARC and shall be set forth as deed restrictions either in the deed for each dwelling unit or as a recorded declaration of covenants running with the land applicable to each dwelling unit in an AARC. The deed restrictions shall specifically give to the Township the right but not the obligation to enforce the age restriction requirements as set forth in this Section.

396A Accessory Uses

The following accessory uses oriented to serve residents and their guests shall be permitted in the AARC-OD and on lands outside of the AARC-OD provided that such accessory uses are on lands that are contiguous to one or more of the parcel(s) comprising the Active Adult Residential Community. The following accessory uses shall be permitted in the Active Adult Residential Community:

396A.1 Uses that are customarily incidental and subordinate to a dwelling unit permitted in an Active Adult Residential Community.

396A.2 Outdoor recreational facilities, including but not limited to tennis courts, swimming pools, walking and bicycle paths, golf/putting/chipping area, shuffle board courts and recreation facilities described in Section 399A.1.

396A.3 Community Center, including but not limited to activity rooms, common dining areas, kitchen areas, meeting rooms, craft rooms, fitness rooms, lounges or similar facilities for members of the community and invited guests.

396A.4 Administrative offices used for the management of the community.

396A.5 Private sewer facilities serving the AARC, including but not limited to treatment facilities, sewer lines and connections.

396A.6 Parking areas.

396A.7 Structures allowed by Section 399.9.

396A.8 Accessory uses permitted under Ordinance Section 393.

396A.9 Accessory uses permitted in the underlying zoning district where the subject land is located.

397A Community Association

The developer of an Active Adult Residential Community shall create a homeowners association or condominium association whose members shall consist of all dwelling/unit owners, which association shall maintain commonly owned areas, private streets, recreation areas, open space facilities, and other common facilities. All dwelling owners in the development shall be required to pay necessary fees to the homeowners or condominium association, with a proper enforcement mechanism as provided by State law.

398A Dimensional Requirements

The following dimensional requirements for the AARD-OD shall be in lieu of all other dimensional requirements set forth in the Township Zoning Ordinance and also in lieu of all other dimensional requirements in Township Ordinances to the extent such requirements are addressed herein; if the dimensional requirements of this Article conflict with one or more dimensional requirements otherwise applicable under Township Ordinances, the provisions of this Article 398A shall apply. The following dimensional requirements shall be observed for an AARC:

398A.1 Tract size. The minimum tract size shall be forty (40) acres, which shall be owned or controlled (such as being under an agreement to purchase) by a single party at the time of the land development application.

398A.2 Density. The maximum density shall be three (3) units per gross acre of tract size for the development. Areas intended for recreational uses, buildings, proposed streets, wooded areas, utility easements, buffer areas, stormwater detention/retention pond areas and other areas of the tract shall not be deleted from the gross tract area for the purposes of determining maximum density.

398A.3 Setbacks. Each building shall have the following minimum setbacks: (a) 50 feet from the ultimate/future right-of-way of a public collector or arterial road; (b) 30 feet from the ultimate/future right-of-way of any other public street; (c) 25 feet from the edge of cartway of any private street; (d) 25 feet from all other parts of the perimeter of the tract that will constitute the AARC. The following minimum separation distances shall apply between the exterior walls of adjacent buildings: (x) 15 feet between the sides of buildings; (y) 25 feet between the rear and side of buildings; and (z) 40 feet between the rears of buildings.

398A.4 Height. The maximum building height shall be 35 feet measured from the average ground elevation on the front facade of the building to the highest point of the building, excluding a chimney or other similar protrusions or structures such as those listed in Section 433.

398A.5 Attached Dwellings. No more than four (4) dwelling units shall be attached in one (1) building.

398A.6 Impervious Coverage. Total impervious surface coverage for the AARC shall not exceed fifty (50%) percent of the gross acreage of the tract and/or tracts that make up the AARC, including lands located in other Districts upon which accessory uses are intended to be constructed as authorized by this Ordinance.

398A.7 Buffer yard. A twenty (20) foot buffer yard shall be provided along any portion of the tract boundary which abuts any residential zoning district. Existing vegetation located within the buffer yard may be used to satisfy any planting requirements. The buffer yard and any required setback may overlap, such that the buffer yard and setback are not required to be distinct from each other along the tract boundary.

398A.8 Lot Lines. Each dwelling in an Active Adult Residential Community may be owned as a unit within a condominium without the requirement for individual lot lines. For a planned community with lot lines, there are no minimum lot sizes or dimensions; rather, density and setbacks are regulated through the other dimensional provisions of this Section 398A.

398A.9 Interior Square Footage. Every single family detached dwelling unit in an AARC shall have a minimum of 1,500 square feet of interior space, not including the garage required under § 394A.2 of the Ordinance. Every other dwelling type in an Active Adult Residential Community shall have a minimum of 1,200 square feet of interior space, not including the garage required under § 394A.2 of the Ordinance.

399A Additional Performance Standards.

399A.1 Recreation Requirements. A common recreation area shall be constructed by the developer with private recreation facilities for the residents of the development and their invited guests. At a minimum, this recreation area shall include an indoor Community Center, an outdoor swimming pool or spa and an accessory outdoor recreation area, such as facilities for games for seniors. The Community Center shall include a minimum of 25 square feet of interior building space per dwelling unit. The Community Center shall include, as a minimum, the following: adult education and learning space, indoor exercise/fitness facilities, multi-purpose room (for crafts, activities, etc.), kitchen and restrooms. These recreation facilities shall be in place of any recreation land dedication required under this Ordinance, the Township Subdivision and Land Development Ordinance ("SALDO"), including but not limited to SALDO Section 493, and other applicable Ordinances. The developer shall also pay a recreation fee to the Township in accordance with Section 493.4 of the SALDO. The recreation fee for each dwelling unit shall be due upon issuance of the building permit for each dwelling unit in the Active Adult Residential Community.

399A.2 Utilities. Each dwelling unit shall be served by public water or a private centralized water system for which all legally required permits have been obtained and by a public sanitary sewage disposal system or a private centralized sanitary sewage disposal system for which all legally required permits have been obtained.

399A.3 Roads. All internal streets shall be privately owned and maintained. The cartway of each street shall be a minimum of 24 feet in width constructed to the minimum standards of local streets as specified in the SALDO.

399A.4 State Police. If allowed under State law, the Pennsylvania State Police shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on all private streets throughout any Active Adult Residential Community.

399A.5 Pedestrian Walkway. A pedestrian circulation system shall be provided as an integral part of any Active Adult Residential Community. Such pedestrian circulation system shall include any one or a combination of sidewalks, pathways, and trails to provide access to neighborhoods and recreation areas within the Active Adult Residential Community. Sidewalks shall not be required.

399A.6 Individual Dwelling Access. All driveways from dwellings shall enter onto an internal street or parking court system within the development. No new driveway for a dwelling shall enter directly onto an existing public street.

399A.7 Off-Street Parking Regulations. A minimum of three (3) off-street parking spaces shall be provided for each dwelling unit. Parking spaces in garages and driveways may fulfill this requirement without regard to whether or not vehicles must be moved for the ingress or egress of another vehicle.

399A.8 On-Street Parking Regulations. If a minimum cartway width of 24 feet is proposed for any street, on-street parking shall be permitted only on one (1) side of such street. Where a street is constructed to the width of a local road under applicable Township regulations, parking shall be permitted on both sides of such street. For roads constructed to a width in excess of twenty four (24) feet but less than the local road standard width, the Supervisors shall have discretion in determining whether parking shall be permitted on one or both sides of each such street, or a combination thereof.

399A.9 Structures Permitted by Right. Dams, retaining walls, culverts, bridges and appurtenances located within the AARC – OD as part of an AARC, or located outside of the AARC – OD and proposed in connection with an AARC, shall be permitted by right, provided all permits and approvals required to be received from the Pennsylvania Department of Environmental Protection are obtained prior to construction.

399A.10 Access Roads. Access roads to an AARC may pass through lands located in the Blue Mountain Preservation and/or Agricultural zoning districts.

4. Section 424.34 of the Ordinance is amended by adding the following phrase to the existing provision.

424.34 . . . “except as provided in Ordinance § 399A.9.”

Severability. If a court of competent jurisdiction declares any provision of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Zoning Amendment shall continue to be separately and fully effective and shall not be affected by such invalidity.

Repealer. All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this Zoning Ordinance Amendment, and that are in conflict with this Zoning Ordinance Amendment are hereby repealed, including but not limited to, any conflicting provisions of the Lynn Township Zoning Ordinance of 1982, as amended.

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DULY ORDAINED AND ENACTED this _____ day of _____, 2008 by the
BOARD OF SUPERVISORS OF LYNN TOWNSHIP

Effective Date. This Ordinance shall be effective _____ (____) days after
adoption, as required by law.

LYNN TOWNSHIP BOARD OF
SUPERVISORS

By: _____
Kermit E. DeLong, Jr., Chairman

By: _____
Thomas C. Creighton III, Vice-Chairman

By: _____
David C. Najarian, Member

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